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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,443	06/06/2000	Robert A. Law	E-848	9187

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EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,443

Applicant(s)

LAW, ROBERT A.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Final Office Action is in response to the amendment filed November 22, 2003. By the amendment, claim 5 has been amended. No claims have been canceled or added. Claims 1-15 remain pending in the application.

Response to Arguments

2. Applicant's arguments filed 11/8/2003 have been fully considered but they are not persuasive.

Remarks

3. Applicant submits on page 11 of paper No. 6 that claim 1 recites a "selection of transaction data and claim 1 is not confusing. In response, the examiner respectfully disagrees with applicant's submission because the selection transaction data is still unclear because it can not be determined as to what transaction data applicant is referring and how the transaction data is related to the recipient. Does the transaction mean money transaction, a contract, (i.e, a purchase contract to sell goods between two parties, money transaction) or is the transaction a record of the messages that is sent from the sender to the recipient?. The examiner's best guess as to the meaning of the claimed "selection transaction data" was related to the postage metering system in the specification which applicant previously argued that the postage metering system is not related to the claimed "selection transaction data"

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In addition, applicant submits on page 2 of paper No. 8 that the claim recites "selected transaction data" and the selected selection data is the set or subset of the transaction data corresponding to a defined recipient. The examiner respectfully disagrees with applicant's submission because applicant's claimed invention makes no mention of a set nor subset of the transaction data. Examiner notes that nowhere in the specification and in the claims such features are defined. Applicants further stated that at least one illustrative example from the specification in support of the claim may be found in FIG. 3 and associated textual description in the specification at page 6, line 16 through page 7. In response, the examiner carefully reviewed FIG. 3 and page 6, line 16 through page 7 of the specification and found no mention of any selection transaction data.

Applicant further argues on page 12 of paper No. 6 that the cited references (U.S. Patent No. 4,811,234 to Storace and U.S. Patent No. 5,058,030 to Schumacher) do not alone or in any proper combination render the claimed invention as presently claimed in claim1 obvious. In response, examiner respectfully disagrees with applicant's argument because as broad as the claims appear to be, the combination of Storace and Schumacher teaches the applicant's claimed invention. Applicant is directed to col. 12, lines 35-39) in Schumacher for the teaching of a transaction data.

Applicant further argued that dependent claims 2-5, 7-10 and 12-15 are patentable for the same reasons stated in with reference to respective claims 1, 6 and 11. In response, since the argument for claims 1, 6 and 11 is not persuasive, the argument for claims 2-5, 7-11 and 12-15 is also found to be non-persuasive.

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With respect to applicant's argument in regard to claims 4, 9 and 14 that the recitation does not appear to reference the assertion made by the examiner, it is again noted since the argument of claims 1, 6 and 11 is not persuasive, the argument to claims 4, 9 and 14 is also found to be non-persuasive.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Bernard et al (U.S. Patent No. 5,717,596) discloses a method and system for franking, accounting, and billing of mail services comprising transaction data. The transaction is completed by totaling the values of the particular transaction and then determining whether or not the transaction data or the transaction values need to be corrected. If the data and values are correct then the transaction is recorded in the data processing system's memory. If, however, the transaction data or values are incorrect, then the system operator can split the transaction between two accounts.

b. Gilham (U.S. Patent No. 5,774,554) discloses a method of verifying postage charges used by a mail sender against postage purchased by the mail sender. The method includes the steps of storing a current transaction identity number at a remote center and each time a transaction to purchase postage from a remote center is effected, the remote center generates a new transaction identity number and transmits the new transaction identity number to a mail sender's postage meter. The mail sender's postage meter generates a serial number for

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each mail item processed by the postage meter and uses a unique key to generate an encrypted code from the serial number and the current transaction identity number.

c. U.S. Patent No. 6,233,568 discloses a system and method for automatically establishing payment of fees, such as through the use of an indicia that can be used to authenticate a postage or similar transaction, or the obligation to pay such fees, for a plurality of shipping service providers.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington VA, Seventh floor receptionist.



Romain Jeanty

Patent Examiner

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January 11, 2004